

08CN5915-2

REMARKS

Claims 1-23 are pending in the present application. Applicants wish to thank the Examiner for the indication of allowability for Claims 8-23.

Applicants respectfully note that the Information Disclosure Statement filed on December 19, 2003 apparently has not yet been considered as Applicants have not received an initialed copy. Consideration and an initialed copy are respectfully requested.

Reconsideration and allowance of the Claims 1-7 is respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-7 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over each of U.S. Patent No. 5,120,801 to Chambers and U.S. Patent No. 4,873,276 to Fujii in view of WO 97/19987. Applicants respectfully traverse this rejection.

Claims 1-7 are directed to a thermoplastic composition comprising a compatibilized poly(arylene ether)/polyamide resin blend and a dendritic polyester resin. Poly(arylene ether) resins and polyamide resins are typically incompatible and form two incompatible phases. To employ poly(arylene ether) resin and polyamide resin successfully in combination they generally must be compatibilized.

Fujii and Chambers both explicitly teach compatibilized mixtures of polyphenylene ether and polyamide. WO 97/19987 however, teaches the use of a dendrimer, which may have functional end groups and/or modified end groups, in a polyphenylene oxide or a polyamide, not in a compatibilized blend of polyphenylene oxide and polyamide such as that taught in Fujii and Chambers.

In applying Section 103, the U.S. Court of Appeals for the Federal Circuit has consistently held that one must consider both the invention and the prior art "as a whole", not from improper hindsight gained from consideration of the claimed invention. See, *Interconnect Planning Corp. v. Feil*, 227 U.S.P.Q. 543, 551 (Fed. Cir. 1985) and cases cited therein. According to the *Interconnect* court

[n]ot only must the claimed invention as a whole be evaluated, but so also must the references as a whole, so that their teachings are applied in the

08CN5915-2

context of their significance to a technician at the time - a technician without our knowledge of the solution.

Applicants respectfully assert that neither Fujii nor Chambers teaches or suggests use of a dendritic polymer and WO 97/19987 does not teach or suggest use of a dendritic polymer in a compatibilized poly(arylene ether)/polyamide composition. Furthermore, it would be difficult to predict how the functional and/or modifying end groups on the dendrimer, as taught by WO 97/19987 would affect the interaction of phases in a compatibilized poly(arylene ether)/polyamide composition as is instantly claimed. Accordingly, Applicants assert that there is no motivation to combine WO 97/19987 with Fujii and Chambers.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that Claims 1-7 should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862 maintained by Assignee.

Respectfully submitted,

CANTOR COLBURN LLP

By Patricia S. DeSimone
Patricia S. DeSimone
Registration No. 48,137

Date: April 12, 2004
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 23413